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October 11, 2010

VIA ECF

Hon. Douglas E. Arpert, U.S.M.J.
United States District Court, District of New Jersey
Clarkson S. Fisher U.S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

Re: Charles Novins, Esq., P.C. et al. v. Kevin A. Cannon, et al.
U.S. District Court, District of NJ - Trenton
Civil Action: **09-CV-5354-AET-DEA**

Dear Judge Arpert:

As Your Honor may recall, in his September 7, 2010 letter to the Court (Pacer No. **55**) Counterclaimant Lamb sought permission from this Court to file a motion for entry of default judgment against the plaintiffs, or in the alternative, a motion for entry of partial summary judgment against those parties. Since that request is still pending, Counterclaimant Lamb respectfully requests that he be allowed to file either of those dispositive motions by October 22, 2010, with a return date of November 15, 2010.

In addition, Counterclaim Lamb would like to clarify that the deposition of Charles Novins, Esq. scheduled for Wednesday, October 13, 2010 (which was noticed by Joseph Manzo, Esq., on behalf of Defendant-Counterclaimant Carl R. Osterwald and Yvonne S. Osterwald) will be limited to issues pertaining to the Osterwalds' claims in the litigation. Defendant Lamb requests this clarification since it is not Lamb's intent at this time to go forward with depositions of Plaintiff Charles Novins, his staff (i.e. Rebecca "Loretta" Sullivan or Katherine DeFeis) and James Piro Hawk Investigations, LLC in light of his plan to file dispositive motions which could resolve a number of issues in the case. The resolution of such issues, would streamline discovery and save the parties time and expense. Dr. Lamb, however, would, of course, like to preserve his right to take depositions in the event that the above-referenced dispositive motion is denied in whole or part, or if such discovery is otherwise necessitated by developments in the case.

Dr. Lamb respectfully maintains that limiting the scheduled October 13, 2010 deposition noticed by Mr. Manzo to issues relating to his clients, Carl and Yvonne Osterwald is a reasonable request in that a deposition limited to issues pertaining to those parties presumably would take more than one day in light of the many claims at issue.

between the Osterwalds and the plaintiffs and the fact that Mr. Novins will have to testify on behalf of himself individually and on behalf of his professional corporation.

If the Court would like to receive further information or submissions regarding the above-referenced issues, please ask a member of chambers to contact me.

Respectfully submitted,

/s/ Dennis J. Duncan

Dennis J. Duncan

Encl.

cc: Charles Novins, Esq. (via ECF)

Joseph Manzo, Esq. (via ECF)